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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/839,141

04/23/2001

Shuichi Shiitani

1359.1044

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05/09/2006

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EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/839,141

Applicant(s)

SHIITANI ET AL.

Examiner

Matthew S. Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Prosecution History Summary***

- Claims 1-10 and 17-22 are pending in the instant application.
- Claims 11-16 were previously canceled.
- Claims 1, 17, 19 and 21-22 are amended per the applicant's response filed 2/23/2006.
- Claim 23 has been added per the applicant's response filed 2/23/2006.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-10 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes (U.S. Patent Application Publication No. 2002/0002502) in view of Shultz (U.S. Patent Application Publication 2003/0061211).**

Referring to claim 1. Maes discloses an online shopping method, comprising:

- Previously generating/preparing article data in which features of an article and a data sending rank are related to each article picture as additional information (Maes: paragraph 0048 through paragraph 0050);
- Upon receiving an article search by a user, generating article picture arrangement data in which article pictures similar to each other in the features are disposed at close positions, as search results of the article data (Maes: paragraph 0051 through paragraph 0052 and Figure 5);
- Sending the article picture arrangement data to a user terminal (Maes: paragraph 0051 through paragraph 0052); and
- At the user terminal, displaying each article picture data at each arrangement position on a screen of search results in a receiving order (Maes: paragraph 0054 through paragraph 0055).

Maes does not expressly disclose upon receiving an article search by a user, the more similar the results are in the features, the more closely the results are disposed. Shultz discloses the more similar the results are in the features, the more closely the results are disposed (Shultz: paragraph 0060). Shultz discloses a method wherein information may subsequently be sorted according to user preference and/or a predefined search result sorting routine. Such sorting may pertain to specific sorting criteria, for example, by order of importance, relevance or hierarchy of the information retrieved from database 133. Example sorting criterion might include, a distance from the user identified location (e.g., step 232), corresponding advertising information (e.g., step 234) and/or business information (e.g., step 236). Business information may be sorted according to various criteria, for example, alphabetical criteria, such as by the name of the business, size criteria, such as the size of the business, price criteria, time criteria, event criteria, or any other sorting criteria that might be helpful to a user (Shultz: paragraph 0060). At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Maes to have included the teachings of Shultz because, unfortunately conventional search engines often return a wide range of unusable search results (Shultz: paragraph 0006).

Maes does not expressly disclose sending the article picture arrangement data to a user terminal so that each article picture data is sent in accordance with the data sending rank, thereby displaying an article picture with a higher data sending rank earlier at the arrangement position. Shultz discloses a method of displaying an article picture with a higher data sending rank earlier at the arrangement position (Shultz:

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paragraph 0060). Shultz discloses a method wherein information may subsequently be sorted according to user preference and/or a predefined search result sorting routine. Such sorting may pertain to specific sorting criteria, for example, by order of importance, relevance or hierarchy of the information retrieved from database **133** (Shultz: paragraph 0060). At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Maes to have included the teachings of Shultz because, unfortunately conventional search engines often return a wide range of unusable search results (Shultz: paragraph 0006).

Referring to claim 2. Maes further discloses an online shopping method wherein the features of the article are any one selected from the group consisting 'of features of an article picture of the article, a keyword representing the features of the article, and article classification information regarding classification of the article in accordance with the features thereof, or a combination thereof (Maes: paragraph 0048 through paragraph 0052).

Referring to claim 3. Maes further discloses an online shopping method wherein the data sending rank is determined by an article provider (Maes: paragraphs 0050).

Referring to claim 4. Maes further discloses an online shopping method wherein a service user previously selects items to be considered in purchasing an article and

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notifies a service provider of the selection, and the service provider determines the data sending rank in accordance with the notified items (Maes: paragraph 0054).

Referring to claim 5. Maes further discloses an online shopping method wherein a service provider previously analyzes items considered by a service user based on a past search history and a past purchase history of the service user, and the service provider determines the data sending rank in accordance with the analyzed items (Maes: paragraph 0097).

Referring to claim 6. Maes further discloses an online shopping method wherein a screen of article search results is presented to an article provider, and the article provider specifies a picture of an article which the article provider provides on the presented screen of article search results, thereby making it possible to access selling information of the article (Maes: Figure 3 through Figure 6).

Referring to claim 7. Maes further discloses an online shopping method wherein the data sending rank is determined by an article provider ((Maes: paragraph 0048 through paragraph 0052).

Referring to claim 8. Maes further discloses an online shopping method wherein a service user previously selects items to be considered in purchasing an article and notifies a service provider of the selection, and the service provider determines the data

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sending rank in accordance with the notified items (Maes: paragraph 0054 through paragraph 0055).

Referring to claim 9. Maes further discloses an online shopping method wherein a service provider previously analyzes items considered by a service user based on a past search history and a past purchase history of the service user, and the service provider determines the data sending rank in accordance with the analyzed items (Maes: paragraph 0097).

Referring to claim 10. Maes further discloses an online shopping method wherein a screen of article search results is presented to an article provider, and the article provider specifies a picture of an article which the article provider provides on the presented screen of article search results, thereby making it possible to access selling information of the article (Maes: Figure 3 through Figure 6).

Referring to claims 17-20. Claims 17-20 are rejected under the same rationale as set forth above in claims 1-10.

Referring to claims 21-22. Claims 21-22 are rejected under the same rationale as set forth above in claims 1-10.



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Referring to claim 23. Claims 23 is rejected under the same rationale as set forth above in claims 1-10.

### ***Response to Arguments***

Applicant's arguments filed 2/23/2006 are moot in view of the new ground(s) of rejection.

The Applicant argues that Maes does not teach or suggest, "generating article picture arrangement data in which article pictures similar to each other in the features are disposed at close positions, as search results of the article data."

The Examiner notes, **FIG. 4** of Maes expressly shows generating article picture arrangement data in which article pictures similar to each other in the features are disposed at close positions, as search results of the article data. Referring briefly to **FIG. 3**, Maes discloses an example of the use of an internet-based embodiment of the invention. The example is based on a user who is in the market for a new car. As shown in **FIG 3**, initially upon accessing the user interface, the user sees what appears to be, and in fact is, a random sampling of available products. After which, the user is instructed to select one or more products that he/she likes. The user then clicks on the new selection initiation button **284** to see additional products. Clicking on the new selection initiation button **284** results in the identification of a new set of product choices for the user to choose from. Referring now to **FIG. 4**, these new selections of products **285** contain similar traits (traits that were previously presented and chosen by the user) and are disposed at close positions, as search results of the article data.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG  
Primary Examiner  
May 1, 2006